

EXHIBIT “A”

Court of Common Pleas of Philadelphia County
Trial Division**Civil Cover Sheet**

For Prothonotary Use Only (Docket Number)

MAY 2024**03154**

E-Filing Number: 2405057761

PLAINTIFF'S NAME MARISOL LOPEZ		DEFENDANT'S NAME KALAHARI RESORTS, LLC A/K/A KALAHARI DEVELOPMENT, LLC, ALIAS: KALAHARI RESORTS & CON	
PLAINTIFF'S ADDRESS 9 ORCHARD STREET PASSAIC NJ 07055		DEFENDANT'S ADDRESS 250 KALAHARI BOULEVARD POCONO MANOR PA 18349	
PLAINTIFF'S NAME		DEFENDANT'S NAME ABC MAINTENANCE COMPANY	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS 250 KALAHARI BOULEVARD POCONO MANOR PA 18349	
PLAINTIFF'S NAME		DEFENDANT'S NAME	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS	
TOTAL NUMBER OF PLAINTIFFS 1	TOTAL NUMBER OF DEFENDANTS 2	COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions	
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Mass Tort <input type="checkbox"/> Commerce <input type="checkbox"/> Settlement <input checked="" type="checkbox"/> Jury <input type="checkbox"/> Savings Action <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Minors <input type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> W/D/Survival <input type="checkbox"/> Other: _____		
CASE TYPE AND CODE 2S - PREMISES LIABILITY, SLIP/FALL			
STATUTORY BASIS FOR CAUSE OF ACTION			
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)		<div style="text-align: center;"> FILED PRO PROTHY MAY 24 2024 C. SMITH </div>	
		IS CASE SUBJECT TO COORDINATION ORDER? YES NO	
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>MARISOL LOPEZ</u> Papers may be served at the address set forth below.			
NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY BRIAN S. CHACKER		ADDRESS 1731 SPRING GARDEN STREET PHILADELPHIA PA 19130	
PHONE NUMBER (215) 567-7955	FAX NUMBER (215) 567-6809		
SUPREME COURT IDENTIFICATION NO. 84284		E-MAIL ADDRESS brian@gayandchacker.com	
SIGNATURE OF FILING ATTORNEY OR PARTY BRIAN CHACKER		DATE SUBMITTED Friday, May 24, 2024, 03:54 pm	

GAY, CHACKER & GINSBURG, P.C.
BY: BRIAN S. CHACKER, ESQUIRE,
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ATTORNEYS FOR PLAINTIFF

MARISOL LOPEZ
 9 Orchard Street
 Passaic, NJ 07055

Plaintiff

vs.

PHILADELPHIA COUNTY
 Court of Common Pleas
 Civil Trial Division

MAY TERM 2024

KALAHARI RESORTS, LLC a/k/a
 KALAHARI DEVELOPMENT, LLC,
 a/k/a KALAHARI RESORTS PA, LLC
 a/k/a KALAHARI MANAGEMENT
 CO., LLC a/k/a KALAHARI
 RESORTS & CONVENTIONS -
 POCONOS
 250 Kalahari Boulevard
 Pocono Manor, PA 18349
 and
 ABC MAINTENANCE COMPANY
 250 Kalahari Boulevard
 Pocono Manor, PA 18349

Defendants.

NOTICE TO DEFEND

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas las páginas siguientes, usted tiene veinte (20) días de plazo al partir de la fecha de la demanda y la notificación. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su personá. Sea avisado que si usted no se defiende, la corte tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA

LEGAL HELP.

PHILADELPHIA BAR ASSOCIATION
LAWYER REFERRAL AND INFORMATION SERVICE
ONE READING CENTER
PHILADELPHIA, PA 19107
TELEPHONE: (215) 238-1701

AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

ASOCIACION DE LICENCIADOS DE FILADELFIA
Servicio De Referencia E Información Legal
One Reading Center
Filadelfia, Pennsylvania 19107
Telephono: (215) 238-1701

GAY, CHACKER & GINSBURG, P.C.

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Identification No.: 84284

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ATTORNEYS FOR PLAINTIFF

MARISOL LOPEZ

9 Orchard Street

Passaic, NJ 07055

Plaintiff

vs.

PHILADELPHIA COUNTY

Court of Common Pleas

Civil Trial Division

MAY TERM 2024

KALAHARI RESORTS, LLC a/k/a

KALAHARI DEVELOPMENT, LLC,

a/k/a KALAHARI RESORTS PA, LLC

a/k/a KALAHARI MANAGEMENT

CO., LLC a/k/a KALAHARI

RESORTS & CONVENTIONS -

POCONOS

250 Kalahari Boulevard

Pocono Manor, PA 18349

and

ABC MAINTENANCE COMPANY

250 Kalahari Boulevard

Pocono Manor, PA 18349

Defendants.

COMPLAINT

Plaintiff, Marisol Lopez (“Ms. Lopez”), by and through her attorneys, Gay, Chacker & Ginsburg, P.C., hereby files this Complaint against defendants, Kalahari Resorts LLC a/k/a Kalahari Development, LLC, a/k/a Kalahari Resorts PA, LLC a/k/a Kalahari Management Co., LLC a/k/a Kalahari Resorts & Conventions – Poconos (“defendant Kalahari”) and ABC Maintenance Company (collectively “defendants”) as follows:

PARTIES

1. Ms. Lopez is an adult individual who resides at the above-captioned address.

2. Defendant Kalahari is a limited liability company or other business entity registered to do business and/or doing business in the Commonwealth of Pennsylvania at the above-captioned address. Upon information and belief, defendant Kalahari regularly conducts business in Philadelphia County.

3. At all relevant times, defendant Kalahari acted directly and/or indirectly by and through its duly authorized actual, apparent and/or ostensible agents, servants and employees, including but not limited to ABC Maintenance Company, who were acting within the course and scope of their employment and/or agency with defendant Kalahari.

4. Defendant ABC Maintenance Company is a fictitious company that has not otherwise been identified after a reasonable search to determine its actual name has been conducted and was at all times relevant to this action a corporation or other business entity that was hired, employed, retained and/or contracted with defendant Kalahari to provide maintenance services at the premises.

5. At all relevant times, defendant ABC Maintenance Company acted directly and/or indirectly by and through its duly authorized agents, servants and employees who were acting within the course and scope of their employment and/or agency with defendant ABC Company.

6. At all relevant times, defendants owned, operated, maintained and/or controlled the resort located at 250 Kalahari Boulevard, Pocono Manor, PA 18349 (“the premises”).

FACTS

7. On May 29, 2022, Ms. Lopez was lawfully on the premises as a business invitee.

8. Defendants owed Ms. Lopez the highest duty of care as a business invitee, to provide premises safe and free of hazardous conditions that it knew or, through reasonable inspection, should have known existed upon its premises.

9. At the aforementioned time and location, Ms. Lopez was caused to fall to the ground due to a puddle of water that was on the floor in the lobby of the premises , causing injuries and damages to Ms. Lopez, as more fully set forth at length below.

10. The dangerous condition was caused by defendants and/or their agents, servants, workmen, and/or employees and allowed to remain by defendants and/or their agents, servants, workmen, and/or employees and existed for a sufficient period of time such that defendants knew, or in the exercise of reasonable care, should have known of its existence, and the danger it created for members of the public, including business invitees such as Ms. Lopez.

11. Ms. Lopez sustained severe and permanent injuries, which include, but are not limited to, lateral meniscal tear, left knee, left lateral ankle sprain, lateral epicondylitis left elbow, lumbar pain, left hip pain, and other various ills.

12. As a direct and proximate result of the conduct of defendant, Ms. Lopez has and will continue to suffer in the future great pain and suffering with mental and physical traumatic anxiety reaction, nervousness, and other psychological and emotional disorders as well as disfigurement, depriving her of life's pleasures together with great embarrassment and humiliation.

13. As a direct and proximate result of the conduct of defendants, Ms. Lopez has and will in the future continue to spend large sums of money for medicine and medical care in and about an effort to affect a cure for the aforesaid injuries.

14. As a direct and proximate result of the conduct of defendants, Ms. Lopez has and will in the future be unable to attend or perform her usual daily duties, activities and occupations all to her great detriment and loss.

COUNT I
Marisol Lopez v. Defendants

15. Plaintiff incorporates by reference paragraphs 1 through 14 herein as if set forth at

length below.

16. Ms. Lopez' fall and resulting injuries were caused by the negligence and/or carelessness of the defendants, acting through their agents, employees, servants and workmen, which consists without limitation of the following:

- (a) Failing to maintain the floor in order to protect and safeguard persons lawfully walking on their premises;
- (b) Failing to properly design, construct, maintain and/or repair the premises, floors, aisles and/or walkways over which invitees are likely to travel rendering the premises safe;
- (c) Permitting the aforesaid area to become a nuisance, snare, and trap for persons lawfully in said area;
- (d) Failing to inspect the aforesaid area and ascertain the hazardous condition which existed and/or was maintained by defendant;
- (e) Failing to install a warning or other safety device at the premises;
- (f) Failing to barricade and/or block-off the defective and/or dangerous area of the premises;
- (e) Failing to keep the floor on their premises free of defects and slipping hazards; and
- (f) Failing to maintain a safe pathway for persons, including business invites, lawfully walking thereon.

17. This accident resulted solely from the negligence of defendants and was not caused by any act or failure to act on the part of Ms. Lopez.

WHEREFORE, plaintiff, Marisol Lopez, demands damages against defendants, jointly

and severally, in a sum in excess of Fifty Thousand Dollars (\$50,000.00) plus interest and costs and any other relief that the Court deems appropriate.



BRIAN S. CHACKER, ESQUIRE
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james@gayandchacker.com

Attorneys for plaintiff Marisol Lopez

Date: May 24, 2024

VERIFICATION

I, Brian S. Chacker, Esquire, hereby verify that I am attorney for plaintiff in the above matter and that I am authorized to make this verification on plaintiff's behalf. I verify that the facts set forth in the foregoing Complaint are true and correct to the best of my knowledge, information and belief based upon information provided to me. This verification is made subject to the penalties of 18 P.S. § 4904 relating to unsworn falsifications to authorities.



Brian S. Chacker